

MELROSE TOWNSHIP ZONING BOARD OF APPEALS MINUTES OF DECEMBER 18, 2019

CALL TO ORDER: The meeting was called to order at 7:00pm by Ch. Lee.

ROLL CALL: Members Present: Ch. Lee, Bart Wangeman, David Beier, Todd Reeves and Zoning Administrator/Acting Recording Secretary Randy Frykberg.
Absent: Lyon Stephens and Recording Secretary Bunny Marquardt.

APPROVAL OF AGENDA: Todd moved to approve the agenda as printed, David seconded. ALL AYES, motion carried.

APPROVAL OF MINUTES: David moved to approve the November 6, 2019 minutes as corrected to change the word "drawing" to "drainage" in the motion on page 3 of 4. Bart seconded. ALL AYES, motion carried.

PUBLIC HEARING: Ch. Lee opened the Public Hearing at 7:04 pm by giving instructions for the Public Hearing and he then stated the following:

A. Case # ZBA 8-2019 Todd and Laura Roleston conforming expansion of a nonconforming cottage and removal of a non-conforming lakefront deck at 00493 Shadow Trails Rd (Tax ID #15-010-575-002-00).

Randy noted the application is for removal of a non-conforming lakeside deck that protrudes into the setback 12' X 5' and the addition of a conforming lakeside deck plus two upgraded porch entrances (one on the street side and one on the south side of the house). A small corner of the existing house (about 3.5 square feet) protrudes into the 50' waterfront setback. No variances are being requested. The meeting was properly advertised, with 300-foot notices mailed to 10 properties. One letter of support was received from Haggard's Plumbing and Heating.

Applicant representative Wally Kidd indicated the project would be an improvement. They are not doing a major expansion but rather just a minor exterior upgrade to the two entrances and a lakeside porch.

With no audience to offer comment, Ch. Lee closed the Public Hearing at 7:10 pm and the Board deliberated. David made a motion to accept the staff Findings of Fact. Bart Seconded. **ALL AYES, MOTION CARRIED.** Staff findings of fact follow:

Findings of Fact For consideration and modification by
The Melrose Township ZBA

The ZBA has requested some assistance in preparation of findings of fact (FOF). The following draft may be considered, modified, used or totally revised by the Zoning Board of Appeals during your deliberations following the hearing:

The ZBA Board finds that:

1. *The address of the lot is 00493 Shadow Trails Rd. (ID # 15-010-572-002-00).*
2. *The lot is in the R-1 Lakefront Residential Zoning District.*
3. *Setbacks for this R-1 lot are a minimum of 50' from the water, 15' sides and 35' from the road.*
4. *Maximum height is 35' measured from the building perimeter's average finished grade to the highest point of the roof.*
5. *Minimum lot area in the R-1 District is 20,000 sq. ft. and a minimum width of 100'.*
6. *The lot is conforming.*
7. *The existing house is nonconforming because a portion of an existing deck (that will be removed) and a small corner (approximately 3.5 square feet) of the house encroaches into the Walloon Lake Shoreline setback.*
8. *The existing south side porch would be reconstructed and would still be **conforming**.*
9. *The existing road facing entrance porch would be relocated and would still be **conforming**.*
10. *The existing "L" shaped non-conforming deck on the waterfront side of the house would be demolished and replaced with a **conforming** rectangular deck.*
11. *Approval of this conforming expansion, along with compliance with the Walloon Lake Shoreline Protection Overlay District requirements, would be needed prior to consideration of issuing a zoning permit.*
12. *The required 300' notices were mailed to owners of 10 properties on November 27, 2019.*
13. *The required Public Hearing Notice was published in the Friday, November 29, 2019 edition of the Petoskey News Review.*
14. *One letter was received: Haggard's Plumbing who is in support of the application.*

Dave made the following motion regarding Standards for expansion of a non-conforming use and removal of a non-conforming lakeside deck. Bart seconded.

1. The proposed addition to a nonconforming structure will not be substantially detrimental to the surrounding neighborhood.
 - a) The Board finds that the proposed entrance additions are conforming.
 - b) The Board finds that the proposed removal of the lake side porch improves lake side yard setbacks.
 - c) The Board finds that the project will keep the appearance of the structure in conformance with the District and area.
 - d) The Board, therefore, finds the expansion will not be substantially detrimental to the surrounding neighborhood.
- 2) The proposed addition will not be contrary to the spirit and intent of the zoning ordinance.
 - a) The Board hereby incorporates, by reference, its findings of fact contained in paragraphs 1. a) through 1. d) above.
 - b) The Board finds that Section 1.0 of the zoning ordinance specifies the purpose of the zoning ordinance, which provision is hereby incorporated herein by reference.
 - c) The Board finds that Section 6.0 A) of the zoning ordinance specifies the purpose of the R-1 Zoning District, which provision is hereby incorporated herein by reference.
 - d) The Board finds that allowing the removal of the non-conforming lakeside porch and adding two remodeled conforming entrances and a new conforming lakeside porch does “maintain social and economic stability, property values and general character and trend of Melrose Township development”.
 - e) The Board, therefore, finds the proposed addition will not be contrary to the spirit and intent of the zoning ordinance.
3. Based on the above findings of fact, the Board finds the standards for the project have been met.

AYES ALL, MOTION CARRIED.

Due to the findings of fact as stated above, David Beier moved to approve the November 25, 2019 Todd and Laura Roleston Application for removal of a non-conforming lakeside deck, construction of a conforming lakeside deck and reconstruction of two conforming porch entrances at 00493 Shadow Trails (ID #15-010-575-002-00). This action is also based on the Krieger Klatt Architects August 7, 2019 Architectural Site plan (G.001) and the August 7, 2019 Proposed elevation views (A.201). Bart Seconded. AYES ALL, MOTION CARRIED.

COMMUNICATIONS AND CORRESPONDENCE RECEIVED: Randy distributed the Zoning Board of Appeals membership roster. Bart noted that he would like the home phone number deleted and Todd Reeves noted his listed telephone number should be changed. Both alterations were made. Randy also noted that he will submit the ZBA 2019 salary form tomorrow.

REPORT OF THE PLANNING COMMISSION: Bart noted the Planning Commission has not met since the last ZBA meeting.

MEETING ADJOURNED AT 7:30 PM.

Acting Recording Secretary: Randy Frykberg _____
Date

ZBA Secretary: Todd Reeves _____
Date